

**TRANSPORTATION DEPARTMENT[761]****Notice of Intended Action**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code sections 307.10 and 307.12 and 2011 Iowa Acts, Senate File 205, sections 13, 14 and 17, the Department of Transportation hereby gives Notice of Intended Action to amend Chapter 607, “Commercial Driver Licensing,” Iowa Administrative Code.

These proposed amendments implement changes to the Federal Motor Carrier Safety Regulations that, effective January 30, 2012, require all applicants for a commercial driver’s license (CDL), whether the CDL is initial, transferred, renewed or upgraded, to self-certify to the type of driving they engage in and to give the Department a copy of the driver’s current medical examiner’s certificate if the driver has certified to non-excepted interstate driving. Current CDL holders are required to complete a self-certification, and to submit a current medical examiner’s certificate if certifying to non-excepted interstate driving, before January 30, 2014. The Department will post to the Commercial Driver’s License Information System a medical status of “certified” for all persons who certify to non-excepted interstate driving and provide a medical examiner’s certificate. Current CDL holders who fail to self-certify or provide a current medical examiner’s certificate before January 30, 2014, and drivers certifying to non-excepted interstate driving who do not maintain their certified status by giving the Department a copy of each subsequently issued medical examiner’s certificate or any associated medical variance before the previous certificate or variance expires will be subject to an immediate posting of their Commercial Driver’s License Information System medical status as “not certified” and to a downgrade of their CDLs. The downgrade becomes effective 60 days after the expiration of the medical examiner’s certificate or variance. A driver whose CDL privilege is removed may regain the privilege at any time by taking the action required to avoid the CDL downgrade, provided that the driver remains otherwise eligible for a CDL.

New definitions of “commercial driver’s license,” “commercial driver’s license downgrade,” “commercial driver’s license information system driver’s record,” “medical examiner,” “medical examiner’s certificate,” “medical variance,” and “self-certification” are added to rule 761—607.3(321). These definitions are consistent with and not different from established federal definitions of these terms and are included in this chapter only for the purpose of reference and clarity in their use in the new “CDL downgrade” rule established in Item 4.

These amendments also update the citation in 49 Code of Federal Regulations (CFR) Part 383. The amendments to 49 CFR Part 383 that have become effective since the 2008 edition of the CFR are listed in the information below. The parts affected are followed by Federal Register (FR) citations.

Parts 383, 384, 390 and 391 (FR Vol. 73, No. 231, Page 73096, 12-1-08)

The Federal Motor Carrier Safety Administration amends the Federal Motor Carrier Safety Regulations to require interstate CDL holders subject to the physical qualification requirements to provide a current original or copy of their medical examiner’s certificates to their state driver licensing agency. State driver licensing agencies are required to record on the Commercial Driver’s License Information System driver’s record the self-certification the driver made regarding the applicability of the federal driver qualification rules and, for drivers subject to those requirements, the medical certification status information specified in this final rule.

Parts 383, 384, 390, 391 and 392 (FR Vol. 75, No. 186, Page 59118, 9-27-10)

The Federal Motor Carrier Safety Administration prohibits texting by commercial motor vehicle drivers while they are operating in interstate commerce and imposes sanctions, including civil penalties and disqualification from operating commercial motor vehicles in interstate commerce, for drivers who

fail to comply. Additionally, motor carriers are prohibited from requiring or allowing their drivers to engage in texting while driving.

Parts 383, 384 and 385 (FR Vol. 76, No. 89, Page 26854, 5-9-11)

The Federal Motor Carrier Safety Administration amends the CDL knowledge and skills testing standards and establishes new minimum federal standards for states to issue the commercial learner's permit. The final rule requires that a commercial learner's permit holder meet virtually the same requirements as a CDL holder.

The Department shall not grant any waivers under the provisions of these amendments since the amendments are needed to comply with 49 U.S.C. Section 31311.

Any person or agency may submit written comments concerning these amendments or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.
2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.
3. Indicate the general content of a requested oral presentation.
4. Be addressed to the Department of Transportation, Office of Policy and Legislative Services, 800 Lincoln Way, Ames, Iowa 50010; fax (515)817-6511; Internet E-mail address: [tracy.george@dot.iowa.gov](mailto:tracy.george@dot.iowa.gov).
5. Be received by the Office of Policy and Legislative Services no later than January 31, 2012.

A meeting to hear requested oral presentations is scheduled for Thursday, February 2, 2012, at 10 a.m. at the Iowa Department of Transportation's Motor Vehicle Division offices located at 6310 SE Convenience Boulevard, Ankeny, Iowa.

The meeting will be canceled without further notice if no oral presentation is requested.

These amendments were also Adopted and Filed Emergency and are published herein as **ARC 9954B**. The content of that submission is incorporated by reference.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 321 and 2011 Iowa Acts, Senate File 205, sections 13, 14 and 17.